GENERALIZED SYSTEM OF PREFERENCES

Report of the Regional Seminar on the Generalized System of Preferences (GSP) and Other Trade Laws for Maghreb countries

Rabat, 30 October to 3 November 1989

UNCTAD Technical Assistance Programme on the Generalized System of Preferences (GSP) and on Other Trade Laws and Regulations directly affecting exports of Developing Countries

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I. BACKGROUND TO THE SEMINAR

1. A regional seminar on the Generalized System of Preferences (GSP) and Other Trade Laws was held for the Maghreb countries, comprising Algeria, Libyan Arab Jamahiriya, Mauritania, Morocco and Tunisia, in Rabat from 30 October to 3 November 1989. The Libyan Arab Jamahiriya did not attend. The seminar was jointly organized by the Division of Foreign Trade, Ministry of Commerce and Industry of the Government of Morocco and the UNCTAD Technical Assistance Programme on the GSP and Other Trade Laws (INT/84/A01), with the assistance of the field offices of the UNDP in the respective countries.

2. The Government of Japan financed the travel and daily subsistence allowance of eight participants from three Maghreb countries as well as some operational costs. Logistical arrangements in Rabat were handled by the Ministry of Commerce and Industry, Government of Morocco and the UNDP Office in Rabat, Morocco. In-kind contributions, were provided by the Government of the United States, which seconded an expert from Washington at no cost to the Project, and by the Government of Canada, which designated an official from its Embassy in Rabat to participate on its behalf. The UNCTAD/UNDP Regional Project for Asia and the Pacific (RAS/89/028) financed the participation of its Regional GSP Adviser, who was in Geneva about this time for consultations. The UNCTAD Programme (INT/84/A01) financed the participation of the Economic Affairs Officer, GSP Section, International Trade Programmes UNCTAD and the GSP and Other Trade Laws Expert, UNCTAD Technical Co-operation Programme on the GSP, Geneva. The UNCTAD Programme also financed the participation of the legal expert from Brussels who lectured on Other Trade Laws. The Government of Japan was represented by its Counsellor from the Permanent Mission of Japan to the International Organizations, Geneva.

3. The main objective of the regional seminar was to train government officials from the four participating countries in the technical and operational aspects of the GSP, update and review the latest changes in the system and provide an in-depth elucidation and examination of the trade laws of Australia, Canada, the EEC, Japan and the United States of America. The participating countries made individual country presentations giving their respective experiences under the GSP and Other Trade Laws. Exchanges of view took place between the participants and the experts on the subjects covered by the seminar. In the view of all concerned, the seminar, which was the first of its kind for the Maghreb countries, proved extremely productive and excelled both in terms of the content and quality of presentations by experts as well as the response and active participation of the participating government officials.

4. The seminar was inaugurated by Mr. Abouyoub Hassan, Director-General of Foreign Trade, Ministry of Commerce and Industry, Government of Morocco. The opening ceremony was also addressed by Mr. K. Makita, Counsellor, Permanent Mission of Japan, Geneva, representing the Government of Japan, Mr. C. Jaeger, Resident Representative, United Nations Development Programme, Rabat and Mr. P. Nagaratnam, Regional GSP Adviser, UNCTAD/UNDP Regional GSP Project for Asia and the Pacific, representing the UNCTAD.

5. The work programme for the seminar included the basic principles and elements of the GSP and an exhaustive coverage of the 16 GSP schemes in operation, the rules of origin, commodity classification systems and GSP, non-tariff measures affecting individual Maghreb country exports, GSP export performance of individual Maghreb countries and organization and utilization of GSP focal points. The representative of Japan spoke on Japan's contribution to the developing countries. In view of the increasing importance of the application of anti-dumping and countervailing duties and other trade law measures, this subject was also included in the work programme.

These other trade laws were explained by a practising legal expert who represents developing countries in litigations under such laws. The participants were required to present a brief report and analysis of their countries' exports under GSP and other trade laws. Handbooks and trade data were provided by UNCTAD as inputs by the UNCTAD GSP Programme INT/84/A01. Experts too provided material and trade data.

6. Given the experience of the participating officials, the presentations by experts were followed by detailed questions and comments. The level of dialogue and the queries raised indicated that the seminar had succeeded in meeting its objectives and that such seminars should be held periodically for the Maghreb countries in the future to follow developments in the GSP and Other Trade Laws.

II. SUMMARY OF FINDINGS

7. The seminar was primarily aimed at the training of officials responsible for the implementation and administration of the GSP in their respective countries. It underlined the multiple functions of the national focal points in policy advice, trade-oriented servicing, collection and dissemination of GSP information, certification, research and statistical analysis as activities which were necessary for improving GSP performance and utilization.

8. The seminar also enabled the participants to acquire a clearer and fuller understanding of the various GSP schemes, their operational aspects and procedures. It thus provided them with information and trade data on how to ensure better utilization of these schemes and gave them the opportunity to evaluate the effects of the GSP on exports of their respective countries. While they recognized the tendencies towards deviations from the basic principles on which the GSP was based, as well as the inherent limitations and restrictions placed on preferential imports, the participants took a pragmatic approach and examined how to maximise the opportunities available under the system as it operates. They also closely examined and suggested improvements in the administrative procedures presently followed as well as through obtaining wider coverage of products. Extended application of cumulation facility under the rules of origin to their grouping as Maghreb countries was discussed.

9. Attached as Annexes III(a) - (c) are the latest available trade data from UNCTAD in respect of the exports of the member countries of the Maghreb Union. In Annex IV is a summary chart on GSP utilization rates in the principal markets of the United States, Japan and Canada. Participants repeatedly stressed that for three of them -viz. Morocco, Tunisia and Algeria- the respective Association Agreements which they had with the EEC provided better and more advantageous access for their exports to that market.

10. A representative selection of the questions and points which arose during the various interventions is given below. These again reflect the quality and experience of the participants who attended the seminar.

Generalized System of Preferences

- What are the implications for the GSP of the Uruguay Round of Multilateral Trade Negotiations? Would the GSP continue?

- Can maghreb countries as an economic grouping benefit from regional cumulation? What has to be done?

- What kind of quantitative limitations apply on GSP imports?

- How is the utilization rate of GSP imports to the United States from Morocco calculated?

- Could clarification be given on the conditions of access under GSP for hand-knotted carpets to the United States?

- Algeria and the Libyan Arab Jamahiriya are excluded from the GSP Scheme of the United States because of their OPEC membership. Could they apply to be re-instated? What is the position?

- The present certification requirements for hand-knotted carpets are difficult, with insistance on triangular seals and certification by Customs Officials. Is it possible for officials from the Handicrafts Department also to certify? Can the United States be more flexible?

- What is the definition of "substantial transformation" under the United States scheme?

- Why are countries excluded from or denied GSP benefits due to considerations of violation of workers' rights or infringement of intellectual property rights under the United States scheme?

- Is GSP treatment extended taking into account developing countries' interests or national interests of the United States?

- What is the impact of the United States/Canada Free Trade Agreement on the GSP scheme?

- Morocco indicated export of leather products to Bulgaria under GSP. Similarly Tunisia indicated exports to USSR and Bulgaria under GSP of paper products, olive oil, etc.

- When will the new handbook on GSP schemes of socialist countries be ready?

- What is the difference between a 5 percentage reduction and a 5 percentage points reduction? Why does not the 5 percentage points reduction under the Australian GSP apply to excise duties?

- Why is Australia alone not applying the direct consignment rule?

- How was the combined list formed from the previous Lists A & B under EFTA's origin rules?

- Can the Maghreb countries benefit from regional cumulation under EFTA countries' schemes?

- Given the better access available to Algeria, Morocco and Tunisia under their respective Association Agreements with the EEC for handicrafts, does the special treatment on handicrafts of the EEC help?

- Can clarification be given on the definition of the origin of fish?

- What does full and global cumulation mean?

- Does it help if the exporter has to look for the cheapest sources for his materials?

- Can clarification be given about Maximum Country Amounts (MCAs) under the Japanese scheme?

Other Trade Laws

- Is not the construction of "normal value" under anti-dumping laws unreliable for the handicrafts sector?

- Is it fair to take anti-dumping actions against developing countries' products which are priced lower because of their structure of production. Would they not affect developing countries who resort to export pricing to promote their products?

- Have any exports of Maghreb countries been subject to countervailing duty actions?

- What are the implications of Europe 1992 for developing countries particularly in the agricultural sector?

- Is dumping an illegal measure? Is it included under the new Instrument of Commercial Policy of the EEC? Does UNCTAD deal with anti-dumping?

- Variable import levies under the Common Agricultural Policy of the EEC are in fact the reverse of anti-dumping.

- Though the reasons for agricultural protection in Europe are understood, it is necessary to understand as well that agricultural sectors are the most competitive for some developing countries. Why then should barriers be placed against such exports?

- Does the GATT provide adequate protection to the interests of developing countries?

- What is the position of Japan regarding anti-dumping?

- Will the United States/Canada Free Trade Agreement affect or restrict imports of agricultural products, handicrafts and textiles from the Maghreb countries?

- The United States/Israel Free Trade Agreement resulted in the loss of a market for a Moroccan product.

III. CONCLUSIONS AND RECOMMENDATIONS

11. As an important follow-up to the observations and comments mentioned in the preceding sections of this report, the formulation of the conclusions and recommendations of this seminar was the responsibility of the participants. These are given below as unanimously adopted by them.

12. After intense debate on the issues raised during the seminar, the participants formulated the following conclusions and recommendations:

1. The participants unanimously reaffirmed the importance of the GSP as an export promotion instrument for the Maghreb countries. They nevertheless expressed their concern over the current evolution of

the GSP, as a result of which the fundamental principles underlying the system are increasingly jeopardized, thereby entailing a transformation of the nature of the GSP and a decline in the use made of it by receiving countries. It was necessary for donor countries to strive to ensure observance of the multilaterally agreed principles in respect of the various systems of preferences, i.e.:

-The generalized nature of the preferences;
-Non-reciprocity;
-Non-discrimination.

The participants also expressed their concern over the lack of transparency in legislation and regulations relating to anti-dumping measures and countervailing duties levied by some preference-giving countries, and invited the latter to implement a more liberal and equitable trade system.

2. In view of the advantages available to countries of the Arab Maghreb Union (UMA) under the preferences granted within the GSP, the participants invited preference-giving countries to extend the system to all UMA countries without exception.

   Furthermore, preference-giving countries were invited to extend the range of products covered by their systems so as to include other products liable to duty.

3. The participants invited preference-giving countries to reduce tariff barriers substantially and to eliminate non-tariff barriers to the maximum extent possible.

4. To ensure the stability of GSP preferences, the participants called on preference-giving countries to continue to implement their system for a sufficient length of time (5 to 10 years), to enter into consultations with receiving countries before undertaking any review and to inform them well in advance of any decision to withdraw a product from the list of products to which preferences are granted.

5. In view of the complexity and the restrictive nature of rules of origin, the participants called on the preference-giving countries to liberalize, simplify and harmonize rules of origin in order to improve access to the advantages of the GSP.

6. Preference-giving countries that do not apply the donor country content rule were urged to apply it to the countries of the Maghreb.

7. Within the context of the Maghreb, the concept of cumulative origin could contribute towards the development of intra-Maghreb trade and enhance economic integration.

   Preference-giving countries that do not apply global cumulative treatment should consider inclusion of such treatment in their respective systems for the Maghreb countries.

8. Preference-giving countries were invited to extend the transition period due to expire at the end of 1989 which allowed preference-receiving countries not to enter the four-digit tariff number on Form A following the introduction of the harmonized system.

9. In view of the complexity of the GSP and the difficulties linked to its implementation, the participants urged UNCTAD to establish a Maghreb regional project and to provide technical assistance to countries in the region in particular in the organization of training/information seminars for the benefit of both exporters and personnel responsible for the implementation of the system and its follow-up.

10. On account of:

> The importance of the craft sector and its place in the economies of the UMA countries;
> The increasingly significant contribution of the sector to the development of those countries' exports;
> The specific features of craft production units;

the participants invited preference-giving countries to grant special and more favourable treatment to craft products, in particular by facilitating and streamlining procedures for conditions of access to the advantages of their systems and improving the preferences granted to craft products.

11. The participants expressed their sincere thanks to the Government of Morocco for having hosted the seminar. They also expressed their thanks to the Government of Japan for its financial assistance, and to UNDP and UNCTAD for organizing the seminar.

Acknowledgment

The seminar participants expressed their sincere appreciation to UNCTAD/UNDP and the Government of Japan for making the seminar possible. They also expressed their appreciation to the Government of Morocco for the warm hospitality accorded to them and for the excellent arrangements made for the seminar.

Annex I

List of experts

Mr. P. Nagaratnam	Regional Adviser, UNDP/UNCTAD Regional GSP Project for Asia and the Pacific, Kuala Lumpur.
Responsible for:	Welcoming address; introduction of experts and arrangements; basic principles of the GSP, basic elements, utilization of GSP and role of national focal points; GSP schemes of Socialist preference-giving countries of Eastern Europe; special régimes for handicraft products; closing address, distribution of certificates.
Mr. A.Z. Benelmouffok	Economic Affairs Officer, GSP Section, International Trade Programmes, UNCTAD/Geneva.
Responsible for:	Commodity classification systems and the GSP and non-tariff measures affecting individual Maghreb country exports; GSP schemes of EFTA preference-giving countries; rules of origin.
Mr. H. Imagawa	GSP and Other Trade Laws Expert, UNCTAD Technical Co-operation Programme on the GSP, Geneva.
Responsible for:	GSP export performance of individual Maghreb countries; GSP scheme of Australia; GSP scheme of New Zealand; rules of origin; organization and utilization of the GSP focal point and GSP scheme of Japan.
Mr. J. Melle	Executive Director, United States Generalized System of Preferences, Washington D.C.
Responsible for:	GSP scheme of the United States of America.
Mr. J. Broadbent	Embassy of Canada, Rabat.
Responsible for:	GSP scheme of Canada.
Mr. Jean-Yves Art	Associate, Van Bael & Bellis, Brussels.
Responsible for:	Major Trade Laws of Canada, the EEC, the United States and other preference-giving countries.
Mr. K. Makita	Counsellor, Permanent Mission of Japan, Geneva. Representative of the Government of Japan.
Responsible for:	Welcoming address; Japan's contribution to developing countries and GSP scheme of Japan.

Annex II

List of Participants and observers

a/ List of participants:

-Mr. Ahmed DAANOUNE	:Chef de Division de l'Action Commerciale Extérieure et de la Documentation. Direction du Commerce Extérieur. Ministère du Commerce et de l'Industrie.
-Mr. Mohamed Aziz EL KACIMI	:Adjoint au chef de service des Organisations Internationales de l'Administration des Douanes et Impôts Indirects.
-Mr. Brahim BAROUDI	:Chef de Département Recherches et Etudes des Marchés. Centre Marocain de Promotion des Exportations.

b/ List of observers:

ALGERIA

-Mr. Larbi HARHAT	:Conseiller Exportations à ONAFEX/Consultant à l'Institut Supérieur de Gestion et de Planification dans le domaine du Commerce International.
-Mr. Nor Eddi BENFREHA	:Secrétaire des Affaires Etrangères -Ministère des Affaires Etrangères.
-Mr. Abdallah MOUSSOUNI	:Chef de Bureau -Douanes-

MAURITANIA

-Mohamed ALI	:Secrétaire Général Confédération Employeurs.
-Mr. Mohamed AHMED ABDI	:Inspecteur des Douanes Chef de la Division de la Réglementation à la Direction Générale des Douanes.
-Mr. Mohamed Zeïne Ould Dehbi	:Chef de Service du Commerce Extérieur

MOROCCO

-Mr. Abdellatif HAMARRAS	:Chef de Service Direction de l'Artisanat.

-Melle Zineb FILALI	:Chef de Bureau. Division de l'Action Commerciale et de la Documentation. Direction du Commerce Extérieur Ministère du Commerce et de l'Industrie.
-Mr. Mohamed TAHIRI	:Direction du Commerce Extérieur Ministère du Commerce et de l'Industrie.
-Mme Hakima ABOULFATH	:Chef de Service - CMPE -
-Mr. Noureddine Cherif HESSAOUDI	:Chef de Bureau au Service Relations avec C.E.E. Administration des Douanes et Impôts Indirects.
-Mr. Jaouad BERRADA	:Inspecteur Divisionnaire des Organisations Internationales -ADII-
-Mme Nezha BENTAIBI	:Administrateur Adjoint. Fédération des Chambres de Commerce et d'Industrie du Maroc.
-Melle Fatima BOUZIANI	:Secrétaire des Affaires Etrangères -Ministère des Affaires Etrangères et de la Coopération.
-Mme Latifa GHRAIRI	:Inspecteur Service des Organisations Internationales -ADII-
-Mr. Abderrahim JABRI	:Service de la Formation -ADII-
-Mr. Mohamed SFA	:Directeur de la CCI de Khouribga.
-Mr. Abdelhadi BAYOUDA	:Directeur de la CCI de BENI MELLAL ET AZILAL.
-Mr. Hassan BELHAFID	:Inspecteur Direction de l'Artisanat.

TUNISIA

-Mr. Houcine RAHMOUNI	:Sous Directeur de la Coopération Economique et Commerciale -Ministère de l'Economie Nationale.
-Mme Nour Houda MAKKAOUI	:Sous-Directeur de la Législation Générale à la Direction Générale des Douanes -Ministère du Plan et des Finances.

Annex III

Work Programme for UNCTAD Regional Seminar on the GSP and on Other Trade Laws for Maghreb Countries
Rabat, Morocco, 30 October - 3 November 1989

TIME	TOPIC	SPEAKER
	Monday, 30 October	
Morning session		
9.00	-Registration of participations -Distribution of documents	
9.50	-Welcoming address	1. Mr. Abouyoub Hassan, Director-General of Foreign Trade, Ministry of Commerce and Industry, Representing the Government of Morocco 2. Mr. K. Makita, Counsellor, Permanent Mission of Japan, Geneva, Representative of the Government of Japan 3. Mr. C. Jaeger, Resident Representative, UNDP Rabat 4. Mr. P. Nagaratnam, Regional Adviser, UNDP/UNCTAD Regional GSP Project for Asia and the Pacific, Kuala Lumpur
11.00	-Introduction of experts and arrangements	Mr. P. Nagaratnam
11.30	-Basic principles of the GSP, basic elements, utilization of GSP and role of national focal points	Mr. P. Nagaratnam

TIME	TOPIC	SPEAKER
Afternoon session		
15.00	-Commodity classification systems and the GSP and non-tariff measures affecting individual Maghreb country exports	Mr. A.Z. Benelmouffok, Economic Affairs Officer, GSP Section, International Trade Programmes, UNCTAD, Geneva
16.45	-GSP export performance of individual Maghreb countries	Mr. H. Imagawa, GSP and Other Trade Laws Expert UNCTAD Technical Co-operation Programme on the GSP, Geneva
17.30	-Japan's contribution to developing countries and GSP scheme of Japan	Mr. K. Makita
	Tuesday, 31 October	
Morning session		
9.30	-GSP scheme of the United States of America	Mr. J. Melle, Executive Director, United States Generalized System of Preferences, Washington, D.C.
10.45	-GSP scheme of Canada	Mr. J. Broadbent Embassy of Canada, Rabat
11.30	-GSP schemes of EFTA preference-giving countries	Mr. A.Z. Benelmouffok
Afternoon session		
15.00	-GSP scheme of Australia	Mr. H. Imagawa
	-GSP scheme of New Zealand	Mr. H. Imagawa
16.45	-GSP schemes of Socialist preference-giving countries of Eastern Europe	Mr. P. Nagaratnam
17.30	-Special régimes for handicraft products	Mr. P. Nagaratnam

TIME	TOPIC	SPEAKER
	Wednesday, 1 November	
Morning session		
9.30	-Rules of Origin	Mr. H. Imagawa/ Mr. A.Z. Benelmouffok
10.45	-Organization and utilization of the GSP focal point and GSP scheme of Japan	Mr. H. Imagawa
Afternoon session		
15.00	-Major Trade Laws of Canada, the EEC, the United States and other preference-giving countries	Mr. Jean-Yves Art Associate, Van Bael & Bellis, Brussels
	Thursday, 2 November	
Morning session		
9.30	-Individual country presentations	Participants
Afternoon session		
15.00	-Drafting group of the whole on seminar conclusions	Participants
	Friday, 3 November	
9.30	-Drafting group of the whole on seminar conclusions (cont'd)	Participants
10.15	-Conclusions presented for adoption	
11.00	-Closing address, distribution of certificates	Mr. Abouyoub Hassan Mr. P. Nagaratnam

Annex IV (a)

GSP Imports of Mauritania

- 1986 (in US $1,000)

	Total Imports	Dutiable Imports	GSP Imports	GSP share of Dutiable Imports
EEC	206.048	44.742	43.911	98%
USA	2.146	795	190	24%
Japan	135.429	135.429	115.458	85%
Austria	374	0	0	0%
Finland	1	1	1	100%
Norway	0	0	0	0%
Sweden	3	3	3	100%
Switzerland	69	69	69	100%
Canada	17	17	10	59%

Source: UNCTAD Statistics

Annex IV (b)

GSP Imports of Libyan Arab Jamahiriya

- 1986 (in US $1,000)

	Total Imports	Dutiable Imports	GSP covered Imports	GSP share of Dutiable Imports
EEC	4,663,270	468,822	468,454	100%
USA	1,596	1,596	40	3%
Austria	250,569	250,569	250,569	100%
Finland	1,333	464	422	91%
Sweden	60,717	0	0	0%
Switzerland	228,311	1,814	1,797	99%
Canada	16,356	0	0	0%

Source: UNCTAD Statistics

Annex IV (c)

GSP Imports of Algeria

- 1986 (in US $1,000)

	Total Imports	Dutiable Imports	GSP covered Imports	GSP share of Dutiable Imports
EEC	4,607,739	848,190	828,448	98%
USA	1,810,641	1,688,353	868	0%
Japan	129,947	129,938	71	0%
Austria	105,453	105,103	105,154	100%
Finland	1,877	158	0	0%
Norway	7,265	270	269	100%
Sweden	10,337	297	281	95%
Switzerland	92,416	3,312	155	5%
Canada	8,278	198	1	1%

Source: UNCTAD Statistics

Annex IV (d)

GSP Imports of Tunisia

- 1986 (in US $1.000)

	Total Imports	Dutiable Imports	GSP covered Imports	GSP share of Dutiable Imports
EEC	1.203.574	819.172	766.909	94%
USA	10.520	7.344	4.098	56%
Japan	2.331	1.146	245	21%
Austria	10.671	9.468	8.890	94%
Finland	1.080	561	396	71%
Norway	1.717	973	750	77%
Sweden	7.454	3.316	285	9%
Switzerland	18.601	7.086	6.787	96%
Canada	6.736	238	74	31%

Source: UNCTAD Statistics

Annex IV (e)

GSP Imports of Morocco

- 1986 (in US $1,000)

	Total Imports	Dutiable Imports	GSP covered Imports	GSP share of Dutiable Imports
EEC	1,779,018	1,258,613	922,446	73%
USA	43,177	38,831	17,467	45%
Japan	176,491	142,855	90,526	63%
Austria	5,182	1,667	1,554	93%
Finland	18,145	15,388	1,084	7%
Norway	19,784	11,645	11,215	96%
Sweden	28,141	2,858	362	13%
Switzerland	14,019	12,214	10,319	84%
Canada	13,929	1,241	542	44%

Source: UNCTAD Statistics

Annex V

GSP Utilization Rates of Maghreb Countries

in some Donor-Country Markets

Donor Country / Maghreb Countries	USA 1988 ('000 US D)			Canada 1987 ('000 C D)			Japan FY 1988 ('000 US D)		
	GSP Covered (A)	GSP Applied (B)	(B)/(A) %	GSP Covered (A)	GSP Applied (B)	(B)/(A) %	GSP Covered (A)	GSP Applied (B)	(B)/(A) %
Algeria	-	-	-	0	0	0.0	6.811	6.805	99.9
Morocco	20.965	19.499	93.0	453	267	58.9	131.923	127.078	96.3
Libyan Arab Jamahiriya	-	-	-				4.665	4.552	97.6
Tunisia	14.492	11.448	79.0	84	82	97.6	549	437	79.6
Mauritania	447	447	100.0	N.A.	N.A.	N.A.	167.208	166.625	99.7
Total	35.904	31.394	87.4	537	349	65.0	311.156	305.497	98.2

Prepared by: Regional GSP Project for Asia and the Pacific